

REMARKS

Claim 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicant appreciates Examiner's recognition of Applicant's invention, as shown in the allowance of claim 22.

Claims 1-4, 6-7, 9-11, 14-17, 19-20, 24-27, 29-30, 32-35, 37-38, 40-43, 45-46, and 48 stand rejected under 35 U.S.C. 103(a) as being unpatentable by Srinivasan (US Patent Number 6,357,042) in view of Elderling (US Patent Number 6,684,194) and Abecassis (US Patent Number 6,553,178). Applicants respectfully disagree.

Claim 1 includes the step of "retrieving a first profile associated with a first user, the first profile including parental consent information and time of day information relating to the first user." The Office Action admits that the Srinivasan reference "fails to disclose the use of a profile, which includes parental consent information, and time of day information to determine which ads to show." Applicant agrees with this statement, but adds that claim 1 of Applicant's invention does not relate to "which ads to show," as mentioned in the Office Action, but rather to "a method for dynamically altering a portion of a digital video image based upon a user profile."

The Office Action relies on the Eldering reference to make up for this deficiency in the Srinivasan reference. The Eldering reference relates to a subscriber identification system in which the time of day is not a part of a profile associated with a first user, as in claim 1 of Applicant's invention, but conversely may be used to "identify that subscriber by time-of-day characteristics." See column 3, lines 4-65.

Therefore, the combination of the Srinivasan reference and the Eldering reference does not teach or suggest the step of retrieving a first profile associated with a first user, the first profile including parental consent information and time of day information relating to the first user. Neither reference includes a profile, and more particularly a profile that includes parental consent or time of day information. The Office Action admits that the Srinivasan reference fails to disclose the use of a profile, and goes on to state that the Eldering reference discloses which utilizes user profiles and may recognize a specific user based upon time of day information. This is fundamentally different from claim 1 of Applicant's invention, which calls for retrieving a

profile that includes parental consent information and time of day information. The Eldering reference uses the time of day to identify a user, while claim 1 calls for retrieving a profile that includes parental consent information and time of day information. See column 3, lines 59-61 of the Eldering reference, which states: "The time at which a subscriber watches programming may also be similar, so it is possible to identify that subscriber by time-of-day characteristics."

The Office Action admits that the Srinivasan and Eldering references fail to disclose parental consent information as part of a profile. The Office Action turns to the Abecassis reference to show this feature. However, the Abecassis feature lacks this teaching. The Abecassis reference relates to a video-on-demand system, in which a parent can lock out a child from certain programming. See column 16, lines 24-36. The Abecassis reference excludes segments of a video. See column 2, line 64 to column 3, line 12. As defined in the Abecassis reference, a "segment" is a section of the video, not a position of a digital video image. See column 2, lines 28-37. So in fact, none of the three references relate to a method for dynamically altering a portion of a digital video image based upon a user profile, as in claim 1 of Applicant's invention.

The Abecassis reference does not even include user profiles. Rather, it refers to a rating and password system for users. So none of the three references cited include a user profile. Further, none of the references include a user profile that includes parental consent information or time of day information relating to the first user. Without these features, it is unfair to suggest that these three references teach or suggest Applicant's invention as embodied in claim 1.

Claims 2-4 and 6-7 depend from claim 1, and are not obvious for the reasons set forth with regard to claim 1 above.

Claim 9 is similar to claim 1 and is not obviated for the reasons set forth with regard to claim 1 above. Further, the Srinivasan reference relates to inserting entire frames into a section of blank frames in a first video stream. See column 31, lines 16-29. The Srinivasan reference refers to this selling of advertising slots as "donut insertion. As such, this donut insertion inserts entire video frames into blank frames of a broadcast video. The Srinivasan reference therefore does not teach or suggest altering a digital video image by replacing an original element with a replacement image to produce a dynamically altered video image.

Claims 10-11 and 14-15 depend from claim 9 and are not obvious for the reasons set forth with regard to claim 9.

Claim 16 is similar to claim 1 and is not obviated for the reasons set forth with regard to claim 1 above.

Claims 17, 19, and 20 depend from claim 16, and are not obvious for the reasons set forth with regard to claim 16.

Claim 24 is similar to claim 1 and is not obviated for the reasons set forth with regard to claim 1 above.

Claims 25-27 and 29-30 depend from claim 24, and are not obvious for the reasons set forth with regard to claim 24.

Claim 32 is similar to claim 1 and is not obviated for the reasons set forth with regard to claim 1 above.

Claims 33-35 and 37-38 depend from claim 32, and are not obvious for the reasons set forth with regard to claim 32.

Claim 40 is similar to claim 1 and is not obviated for the reasons set forth with regard to claim 1 above.

Claims 41-43 and 45-46 depend from claim 40, and are not obvious for the reasons set forth with regard to claim 40.

Claim 48 is similar to claim 1 and is not obviated for the reasons set forth with regard to claim 1 above.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of 1-4, 6-7, 9-11, 14-17, 19-20, 24-27, 29-30, 32-35, 37-38, 40-43, 45-46, and 48 under 35 U.S.C. 103(a) and allow claims 1-4, 6-7, 9-11, 14-17, 19-20, 24-27, 29-30, 32-35, 37-38, 40-43, 45-46, and 48. Applicants believe that the application is in condition for allowance. Favorable reconsideration of this application in light of the above is respectfully requested. If a telephone interview with Applicant's Attorney would further the prosecution of the present application, the Examiner is invited to contact the undersigned at the indicated telephone number.

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Respectfully,

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